

approved new name. After the execution of the new power of attorney form the inmate may send and receive mail, packages, and publications using the approved new name.

B. Child Pornography

The presentation of sexually explicit behavior involving or depicting children, as in a photograph, intended to arouse sexual excitement.

C. Contraband

An item that an inmate is prohibited from possessing or an item that an inmate is permitted to possess, but which has been altered or is being used for something other than its intended purpose.

D. Control Number

A number obtained through the Department's Office of Chief Counsel authorizing an attorney or court to utilize the Department's system designed to ensure institutional security as well essential, confidential attorney-client communications.

E. Explicit Sexual Material

Pursuant to **18 Pa. C.S.A. §5903** explicit materials include: any book, pamphlet, magazine, printed matter however reproduced, which contains any picture, photograph, drawing or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse and which is harmful to minors. Explicit sexual material also includes that which contains detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochism abuse and which, taken as a whole is harmful to minors.

F. Facility Manager

The Superintendent of a State Correctional Facility or State Regional Correctional Facility, Commander of a Motivational Boot Camp, Director of a Community Corrections Center, or Director of the Training Academy.

G. Incoming Publications Review Committee (IPRC)

A committee of facility personnel selected by the Facility Manager/designee at each facility that reviews incoming mail that may contain prohibited materials.

H. Indigent Inmate

An inmate shall be deemed indigent if the combined balances of his/her facility account and any other accounts are \$10.00 or less at all times during the 30 days preceding the date on which the inmate submits a request to a person designated by the Facility Manager. Any inmate who refuses available work, although he/she is physically able and is not precluded from work by virtue of his/her housing status, is not indigent for the purposes of this policy and is not eligible for free stationery or to anticipate for postage. An inmate who is self-confined may also be considered as refusing available work although physically able as determined by the Program Review Committee (PRC). Any inmate who has funds in another account, which if deposited in his/her facility account

would bring his/her balance to more than \$10.00, is not indigent. Any inmate who has not made a good faith effort to manage his/her money so as to be able to pay the necessary costs of litigation himself/herself is not indigent.

I. Facility Mail Distribution System

The system used to deliver and pick-up mail from inmates within a facility.

J. Nude Photographs

As defined in **18 Pa. C.S.A. §5903**, nude means "showing the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or showing the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple." A photograph is an image of a person, place, or object made using a camera or device, which exposes a photosensitive surface to light. For purposes of this policy, pictures in a magazine or other publication of general circulation shall not be considered photographs.

K. Obscene Material

The definition of obscene contained in **18 Pa. C.S.A. §5903**, is "any material or performance, if:

1. the average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;
2. the subject matter depicts or describes in a patently offensive way, sexual conduct of a type described in this section (sexual conduct is defined as patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, anal or oral sodomy and sexual bestiality; and patently offensive representations or descriptions of masturbation, excretory functions, sadomasochistic abuse and lewd exhibition of the genitals); and
3. the subject matter as a whole, lacks serious literary, artistic, political, educational or scientific value."

L. Opaque

Opaque refers to something dense, impervious to the passage of light.

SCI-Forest Library

M. Presorted Standard Mail

Mail that usually consists of sales flyers, form letters, or other printed pieces that are generally identical in content but do not meet the criteria of a publication as defined in **Section IV. P.** of this policy. This mail is specifically identified with a United States Postal Service Presorted Standard Mail Stamp.

N. Privileged Correspondence

1. **Outgoing Privileged Correspondence:** Outgoing mail addressed to the following persons is privileged correspondence and shall not be opened outside the presence of the inmate who is sending it except as provided for in **Section VI. D. 2.:**

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY SR.,
Plaintiff

VS.

TRACY REEVES, et al.,
Defendants

Civil Action No.: 05-125 Erie

District Judge McLaughlin

Magistrate Judge Baxter

STATEMENT OF VERIFICATION

I verify that the foregoing is true and correct. I understand that false statements made herein are subject to the penalties of 28 U.S.C. §1746, relating to perjury.

Date: 7-20-06

By: Cassius M. Clay Sr.

Cassius M. Clay Sr.
Inmate No.: DQ-5954
SCI-Forest
1 Woodland Dr.
P.O. Box 945
Marienville, PA 16239
(Pro se Plaintiff)